

State of South Dakota

EIGHTY-FIFTH SESSION LEGISLATIVE ASSEMBLY, 2010

286R0600

SENATE ENGROSSED NO. **SB 155** - 2/18/2010

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

Introduced by: Senators Brown and Gant and Representative Hamiel

1 FOR AN ACT ENTITLED, An Act to revise the rules promulgation process for administrative
2 rules with a financial impact upon political subdivisions of state government.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 1-26-4.7 be amended to read as follows:

5 1-26-4.7. The Interim Rules Review Committee may require an agency to revert to any step
6 in the adoption procedure provided in § 1-26-4. The Interim Rules Review Committee may
7 require an agency to hold public hearings in addition to those provided for in § 1-26-4 if, in the
8 judgment of the committee:

9 (1) The substance of the proposed rule has been significantly rewritten from the
10 originally proposed rule which was not the result of testimony received from the
11 public hearing;

12 (2) The proposed rule needs to be significantly rewritten in order to accomplish the intent
13 of the agency;

14 (3) The proposed rule needs to be rewritten to address the recommendations or
15 objections of the Interim Rules Review Committee;



1 (4) The proposed rule is not a valid exercise of delegated legislative authority;

2 (5) The proposed rule is not in proper form;

3 (6) The notice given prior to the proposed rule's adoption was not sufficient to give
4 adequate notice to persons likely to be affected by the proposed rule;

5 (7) The proposed rule is not consistent with the expressed legislative intent pertaining
6 to the specific provision of law which the proposed rule implements; or

7 (8) The proposed rule is not a reasonable implementation of the law as it affects the
8 convenience of the general public or persons likely affected by the proposed rule.

9 The Interim Rules Review Committee shall consider whether any rule complies with the
10 provisions of § 6-15-1. If the committee determines that any proposed rule does not comply with
11 § 6-15-1, the committee shall require an agency to revert to any step in the adoption procedure
12 provided in § 1-26-4.

13 If the committee requires an agency to revert to any step in the adoption procedure pursuant
14 to this section, the time limitations set by chapter 1-26 shall also revert to the same step.